

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In re:

IGOR S. BABICHENKO AND
NATALYA I. BABICHENKO,

Debtor.

Case No.: 3:13-bk-00054-JAF

Chapter 11

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED STATUS OF
MERCANTILE BANK AND ITS SUCCESSORS AND ASSIGNS AND TO STRIP LIEN
EFFECTIVE UPON DISCHARGE**

This case is before the Court on the Motion to Determine Secured Status of Mercantile Bank, its successor by merger or other successors and assigns, and to Strip Lien Effective Upon Discharge (Doc. No. 118) (the "Motion") filed by Igor Babichenko and Natalya Babichenko (the "Debtors"), and the Court, having considered Motion, and considering the Motion was served with the negative notice legend pursuant to Local Rule 2002-4, and having neither heard nor received any opposition to the relief requested by the Motion within the time stated by the Motion, it is

ORDERED

1. The Motion is granted.
2. The collateral, being real property located at 13780 Shady Woods Street North, Jacksonville, Florida (the "Collateral"), is encumbered by a valid first mortgage lien (the "First Mortgage"), having an unpaid principal balance at the time this Order is entered which exceeds the value of the Collateral.
3. The Collateral is more particularly described as follows:

A PARCEL OF LAND LOCATED IN THE COUNTY OF DUVAL,
STATE OF FLORIDA, AND KNOWN AS:

BEING LOT NUMBER 295 IN PABLO BAY PHASE NINE, AS SHOWN
IN THE RECORDED PLAT/MAP THEREOF IN BOOK 55 PAGE 78,
78A, 78B AND 78C, OF DUVAL CONTY RECORDS.

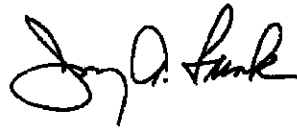
4. The Collateral is also encumbered by a junior lien recorded in the Official Public Records of Duval County, Florida at Book 12847 and Page 2395, which was later modified through a modification of mortgage recorded in the Official Public Records of Duval County, Florida at Book 13001 and Page 224 (collectively referred to as the "Second Mortgage"), which, as of the date of this Order, has no value over and above the First Mortgage upon which the Second Mortgage can attach.

5. Pursuant to 11 U.S.C. § 506(a), the Second Mortgage is wholly unsecured.

6. Notwithstanding the foregoing, this Order is not recordable or enforceable until the Debtors receive a Discharge in this bankruptcy case (the "Discharge").

7. Upon entry of the Discharge, the Second Mortgage is avoided and extinguished automatically without further order, provided, however, that if the Debtors fail to receive a Discharge, the Second Mortgage shall survive and remain fully enforceable and this Order shall have no further force and effect.

DONE and ORDERED in Jacksonville, Florida, this 30th day of July, 2014



Jerry A. Funk
United States Bankruptcy Judge

RECORDED IN THE US BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION
J.B. VOL. 54 NO. 8013

Julianna E. Groot is directed to serve a copy of this order on interested parties and file a proof of service within three (3) days of entry of the order.